

ORDER RECEIVED FOR FILING
Date 4/20/90
By J. Robert Haines

IN RE: PETITION FOR ZONING VARIANCE
F/S of Philadelphia Road,
1000' W of Cowenton Avenue
(10701 Philadelphia Road)
11th Election District
5th Councilmanic District
J. Gibson McIlvain Co., Inc.
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 90-387-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a distance of 54 feet in lieu of the required 60 feet between existing Building B and a proposed office addition to existing Building E, a distance of 42 feet in lieu of the required 60 feet between existing Building C and a proposed office addition to existing Building E, a distance of 35 feet in lieu of the required 60 feet between existing Buildings C and E, a distance of 46 feet in lieu of the required 60 feet between existing Building D and the Warehouse, a distance of 30 feet in lieu of the required 60 feet between existing Toilets and Building E, a distance of 54 feet in lieu of the required 60 feet for existing Buildings N and M, a distance of 42 feet in lieu of the required 60 feet between existing Buildings B and C, a distance of 40 feet in lieu of the required 60 feet between existing Buildings C and D, and a distance of 25 feet in lieu of the required 60 feet between existing Buildings G and H, all as more particularly described in Petitioner's Exhibit 1.

The Petitioner, by William E. Glenn, Jr., Vice President, appeared, testified and was represented by J. Carroll Holzer, Esquire. Also appearing on behalf of the Petition was Philip McWilliams, Architect with Brosso, Wilhelm and McWilliams, Inc. There were no Protestants.

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Testimony indicated that the subject property, known as 10701 Philadelphia Road, consists of 15.26 acres zoned M.L. and M.L.R., and is improved with existing warehouse and office space uses. Said property is the home of the J. Gibson McIlvain Company, a manufacturer of fine wood products, which has been in business since 1798 and has been located on the subject site since 1960. Testimony indicated Petitioner is desirous of constructing an addition to its existing office space in the area shown on Petitioner's Exhibit 1. Mr. Glenn testified that upon application for a building permit, Petitioner was advised that the existing buildings as well as the proposed office addition required variances to the minimum distances required. Petitioner subsequently filed the instant Petition. Testimony indicated the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding uses as the majority of the requested variances are for buildings which have been in existence for some time.

At the hearing it was explained to Petitioner that Section 102.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) prohibits the use of one building's area requirements to support the area requirements for an adjacent building and as such, additional variances over and above those requested for the proposed office addition to existing Building E were necessary. Testimony presented indicated that many of the variances have existed for the past thirty years without creating any problems. Further, pictures introduced evidence the property and buildings are well-maintained by Petitioner.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and

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his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances are granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare. Further, it is apparent that Section 102.2 of the B.C.Z.R. was not enforced at the time Petitioner filed for its original building permits. As such, the additional variances required to bring this development into compliance with the zoning regulations will be granted.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 16th day of April, 1990 that the Petition for Zoning Variance to permit a distance of 54 feet in lieu of the required 60 feet between existing Building B and a proposed office addition to existing Building E, a distance of 42 feet in lieu of the required 60 feet between existing Building C and a proposed office addition to existing Building E,

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ORDER RECEIVED FOR FILING
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By J. Robert Haines

a distance of 35 feet in lieu of the required 60 feet between existing Buildings C and E, a distance between existing Building D and the Warehouse of 46 feet in lieu of the required 60 feet, a distance between the existing toilets and existing office space of 30 feet in lieu of the required 60 feet, a distance between existing Buildings N and M of 54 feet in lieu of the required 60 feet, a distance between existing Buildings B and C of 42 feet in lieu of the required 60 feet, a distance between existing Buildings C and D of 40 feet in lieu of the required 60 feet, and a distance between existing Buildings G and H of 25 feet in lieu of the required 60 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

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ORDER RECEIVED FOR FILING
Date 4/20/90
By J. Robert Haines

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-387-A

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Sections 102.2, 255.1, 238.1 and 238.2 to permit proposed changes of 54' in lieu of 60' between Bldg. B and proposed Office Addition; 42' in lieu of 60' between Bldg. C and proposed Office Addition; to permit setbacks between existing Bldg. C and General Offices of 35' in lieu of 60'; Bldg. D (over) of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

1. All requests for variance apply to buildings which have been constructed or in existence for many years. Most recent improvements occurred in the late 1960's. Due to nature of lumber business, demolition and rebuilding of structures would be impractical and costly, interrupting business routine.
2. Request for variance between "Proposed General Office Addition" and Bldg. C will actually increase the distance between Bldg. C and existing shed. Given location of office and design of addition, relocating new addition would not serve owner's purpose as shown on Site Plan.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: J. Gibson McIlvain, III
(Type or Print Name)
Signature: J. Gibson McIlvain, III
Address: 10701 Philadelphia Road
City and State: White Marsh, Maryland 21162
Attorney for Petitioner: J. Carroll Holzer, Esq.
(Type or Print Name)
Signature: J. Carroll Holzer, Esq.
Address: 305 West Chesapeake Avenue, Suite 105
Towson, Maryland 21204
City and State: Towson, Maryland 21204
Attorney's Telephone No.: 301-825-6960

ORDERED By The Zoning Commissioner of Baltimore County, this 23 day of April, 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 6 day of April, 1990, at 11 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

E. F. RAPHEL & ASSOCIATES
Registered Professional Land Surveyors
205 COURTLAND AVENUE
TOWSON, MARYLAND 21204
90-387-A
RESIDENCE: 771-4522
DESCRIPTION TO ACCOMPANY VARIANCE
#10701 PHILADELPHIA ROAD
PROPERTY OF J. GIBSON MCILVAIN COMPANY
January 17, 1989

Beginning at a point in the center line of Philadelphia Road (Route #7) at the northeast corner of the property of J. Gibson McIlvain Company, et al distance southwesterly 1000' ± from the intersection of Philadelphia Road (Route #7) and Cowenton Avenue, thence leaving Philadelphia Road (Route #7), and binding on the outline of the aforesaid property the 7 following courses and distances: 1) S 64° 11' 50" E 366.18'; 2) S 52° 30' 50" E 566.00'; 3) S 37° 21' 10" W 450.00'; 4) S 37° 21' 10" W 255.13'; 5) N 52° 38' 50" W 831.59' and 6) N 56° 40' 00" W 210.81' to the center of Philadelphia Road (Route #7), thence binding on the center of said road the 6 following courses and distances: 1) N 56° 55' 00" E 96.71'; 2) N 50° 25' 10" E 183.54'; 3) N 50° 25' 10" E 86.24'; 4) N 42° 40' 10" E 52.25'; 5) N 44° 00' 40" E 142.89' and 6) N 38° 42' 30" E 98.76' to the place of beginning.

Containing 15.26 Acres more or less.

Being the property of J. Gibson McIlvain Company.

E. F. RAPHEL
Reg. Prof. Land Surveyor

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

DATE 3/20/90

J. Gibson McIlvain, III
10701 Philadelphia Road
White Marsh, Maryland 21162

Re: Petition for Zoning Variance
CASE NUMBER: 90-387-A
F/S of Philadelphia Road, 1000' SW of Cowenton Avenue
10701 Philadelphia Road
11th Election District - 5th Councilmanic
Petitioner(s): J. Gibson McIlvain, III
HEARING: FRIDAY, APRIL 6, 1990 at 11:00 a.m.

Gentlemen:

Please be advised that \$125.57 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,
J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRH:ga
cc: J. Carroll Holzer, Esq.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

February 22, 1990

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 90-387-A
F/S of Philadelphia Road, 1000' SW of Cowenton Avenue
10701 Philadelphia Road
11th Election District - 5th Councilmanic
Petitioner(s): J. Gibson McIlvain, III
HEARING: FRIDAY, APRIL 6, 1990 at 11:00 a.m.

Variance to permit proposed changes of 54 ft. in lieu of 60 ft. between Bldg. B and proposed Office Addition; 42 ft. in lieu of 60 ft. between Bldg. C and proposed Office Addition. To permit setbacks between existing Bldg. C and General Offices of 35 ft. in lieu of 60 ft.; Bldg. D and Warehouse of 46 ft. in lieu of 60 ft.; Toilets and General Office of 30 ft. in lieu of 60 ft.; Bldg. N and M of 54 ft. in lieu of 60 ft.; Bldg. S and C of 42 ft. in lieu of 60 ft.; Bldg. C and D of 40 ft. in lieu of the required 60 ft.; and Bldg. G and H of 25 ft. in lieu of 60 ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: J. Carroll Holzer, Esq.
J. Gibson McIlvain, III

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

March 23, 1990



J. Carroll Holzer, Esquire
305 W. Chesapeake Avenue, Suite 105
Towson, MD 21204

RE: Item No. 250, Case No. 90-387-A
Petitioner: J. Gibson McIlvain
Petition for Zoning Variance

Dear Mr. Holzer:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

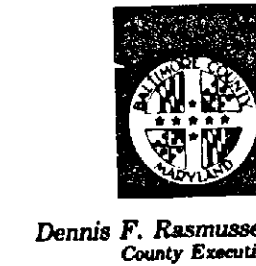
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. J. Gibson McIlvain, III
10701 Philadelphia Road
White Marsh, MD 21162

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner



Your petition has been received and accepted for filing this
23rd day of February, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman
Zoning Plans Advisory Committee

Petitioner: J. Gibson McIlvain

Petitioner's Attorney: J. Carroll Holzer

April 6th 90-387

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: April 4, 1990

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: J. Gibson McIlvain, III, Item 250

INFORMATION:

Application/Item Number 250

Petitioner: J. Gibson McIlvain, III

Property Location: E/S of Philadelphia Road, 1000' SW of
Coventon Avenue

Property Size: 15.26 acres

Zoning: ML and MLR

Request: The Petitioner requests Variances to permit changes of 54' in lieu of 60' between Building B and the proposed office addition; 42' in lieu of 60' between Building C and proposed office addition. To permit setbacks between existing Building C and general offices of 35' in lieu of 60'; Building D and warehouse of 46' in lieu of 60'; Buildings N and M of 54' in lieu of 60'; Buildings B and C of 42' in lieu of 60'; Buildings C and D of 40' in lieu of the required 60'; and Building G and H of 25' in lieu of 60'.

Hearing Date: April 6, 1990

Attachments:

SUMMARY AND RECOMMENDATIONS:

The site is currently improved with an existing lumber warehouse. The Petitioner's plat indicates thirteen buildings are presently

Cancel Handed P/L copy 4/5/90

J. Gibson McIlvain, III, Item 250
Page 2
April 4, 1990

utilized on site for the warehouse/manufacturing operation. A 1,600 sq. ft. general office addition is proposed at the subject location. The Petitioner's property is bound by M.L. zoning to the north, south and west, and M.L.R. zoning to the east.

Since the majority of the variances apply to existing buildings constructed in the late 1960's, staff recommends the Petitioner's request be granted.

Report prepared by:

Jeffrey W. Long
Jeffrey W. Long, Planner I
FK/JL/cmm

April 4, 1990

ITEM250/ZAC1

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 406
Towson, Maryland 21204
(301) 887-3354

March 9, 1990



J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 237, 246, 247, 248, 249, and 250.

Very truly yours,

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineer Assoc. II

MSF/lab

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500
Paul H. Reincke
Chief

FEBRUARY 14, 1990



J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: J. GIBSON MCILVAIN, III
Location: 410701 PHILADELPHIA ROAD
Item No.: 250 Zoning Agenda: FEBRUARY 22, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation. Water for fire protection shall be provided in accordance with the urban guide for fire prevention and control master planning

REVIEWER: *Paul H. Reincke*
Noted and Approved
Fire Prevention Bureau
Special Inspection Division

JK/KEK

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee

DATE: March 5, 1990

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for February 22, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 246, 247, 248, 249, 250 and 251.

Item 237 is subject to the previous County Review Group comments for this site.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s



Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

File

April 9, 1990

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204
Att: James Dyer

Re: Baltimore County
J. Gibson McIlvain, III
Property
Zoning meeting 3/22/90
S/S Philadelphia Road
US 7
1000' west of Coventon
Avenue
Item # 250 90-387-A

Dear Mr. Haines:

After reviewing the submittal to permit variances to building setbacks, we find the plan acceptable.

If you have any questions, contact Larry Brocato (333-1350).

Very truly yours,

Charles Rose
Charles Rose, Acting Chief
Engineering Access Permits
Division

LB/es

cc: Mr. J. Ogle

APR 11 1990

PLANNING OFFICE

My telephone number is (301) 333-1350

383-7555 Baltimore Metro - 583-0411 D.C. Metro - 1-800-492-5022 Nationwide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333
J. Robert Haines
Zoning Commissioner

April 12, 1990



J. Carroll Holzer, Esquire
305 West Chesapeake Avenue, Suite 105
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE
E/S of Philadelphia Road, 1000' SW of Cowenton Avenue
(10701 Philadelphia Road)
11th Election District - 5th Councilmanic District
J. Gibson McIlvain Co., Inc. - Petitioner
Case No. 90-387-A

Dear Mr. Holzer:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,
A. M. Natarowicz

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: People's Counsel

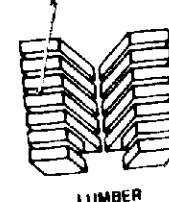
File

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME
Wm. E. Glenn, Jr.
Philp McWilliams *initialed*

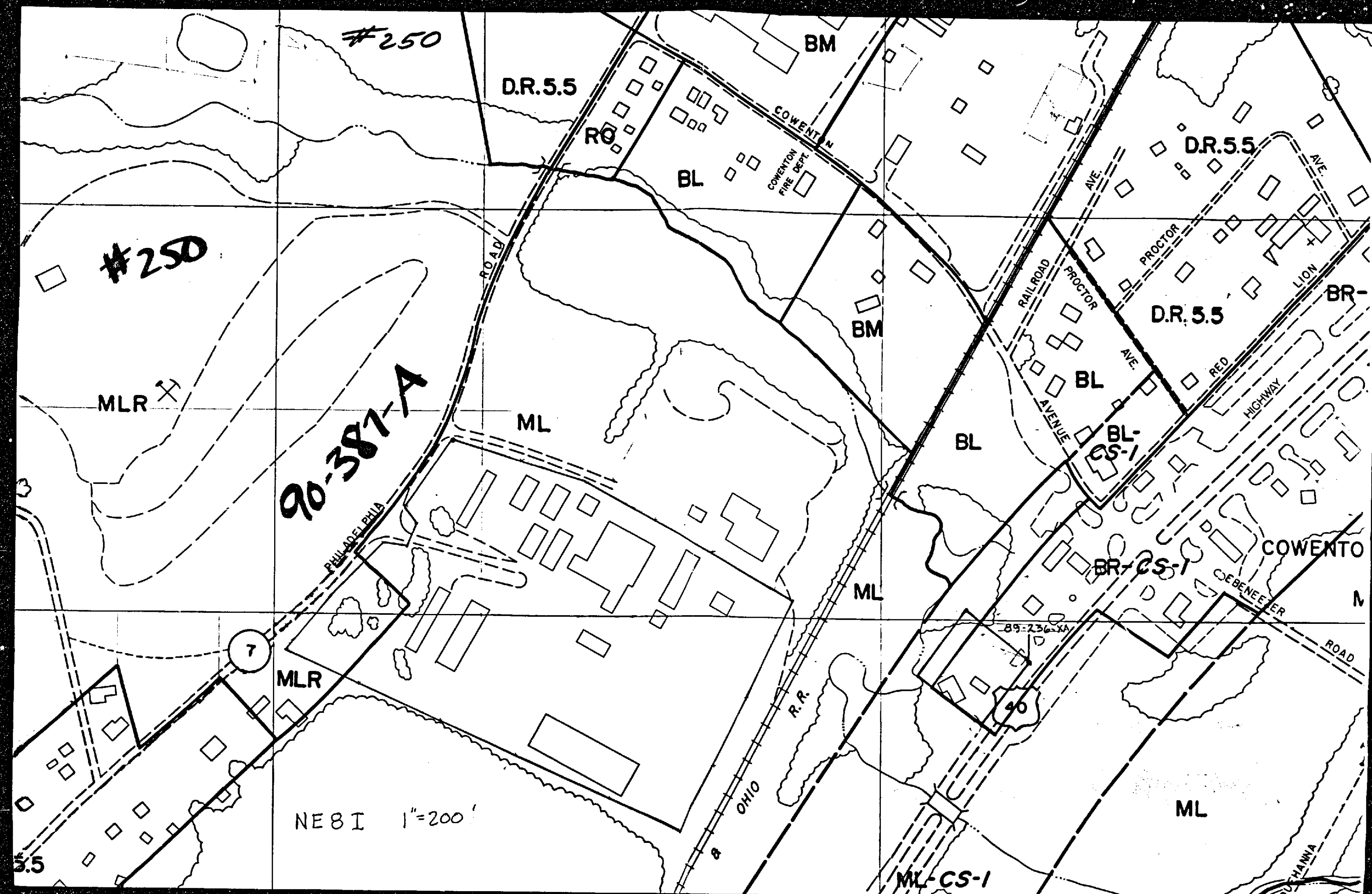
ADDRESS
J. Gibson McIlvain Co.
WHITE PAPER, MD.
Business and MacWilliams Inc.
2000 York Building
600 N. Galt Rd. Baltimore 21204



J. Gibson McIlvain Company

Wm. E. Glenn, Jr.
Vice President

Route 7 • White Marsh, Maryland 21166 • Telephone (301) 335-9000
RFD 1 Box 400 • P.O. Box 400 • Queenstown, CT 06424 • Tel. (203) 774-4940



CERTIFICATE OF PUBLICATION

March 8, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on March 8, 1990.

NORTHEAST TIMES BOOSTER and the
NORTHEAST TIMES REPORTER

S. Zebe Orlov

Publisher

CERTIFICATE OF PUBLICATION

March 8, 1990

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NORTHEAST TIMES BOOSTER and the
NORTHEAST TIMES REPORTER

Publisher

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the proposed zoning variance for the property identified herein in Room 104 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 at 11:00 a.m. on the date specified below.

Petition for Zoning Variance
Case No. 90-387-A
E/S of Philadelphia Road,
1000' SW of Cowenton Ave.
10701 Philadelphia Road
11th Election District
5th Councilmanic District
J. Gibson McIlvain Co., Inc.
Petitioner(s)

Variance: to permit proposed changes of 54 ft. in lieu of 60 ft. between Bldg. B and proposed Office Addition; 42 ft. in lieu of 60 ft. between Bldg. C and proposed Office Addition. To permit setbacks between Bldg. A, B, C and Office Addition of 25 ft. in lieu of 50 ft.; Bldg. D and Warehouse of 40 ft. in lieu of 60 ft.; and General Office of 30 ft. in lieu of 60 ft. (Bldg. A and M or 54 ft. in lieu of 60 ft.; Bldg. B and C of 42 ft. in lieu of 60 ft.; Bldg. C and D of 40 ft. in lieu of the required 60 ft.; and Bldg. D and M of 25 ft. in lieu of 60 ft.)

In the event that this Petition is granted, a building permit may be issued within the sixty (60) day appeal period. The Zoning Commissioner will, however, consider any request for a stay of the issuance of said permit during a period for good cause shown. Such request must be in writing and received in the office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County
JN 5121 March 8

CERTIFICATE OF PUBLICATION

TOWSON, MD., March 8, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on March 8, 1990.

THE JEFFERSONIAN.

S. Zebe Orlov

Publisher

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

90-387-A

District 11th
Posted for: Variance
Petitioner: J. Gibson McIlvain, Inc.
Location of property: E/S of Philadelphia Road, 1000' SW of Cowenton Ave.
10701 Phila. Rd.
Location of Sign: Along Phil. Rd. approx. 20' E. of intersection
Remarks: Property of J. Gibson McIlvain, Inc.
Posted by: M. Haines
Number of Signs: 1
Date of return: 3/29/90



Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-0016150
Number

receipt
No 2036

90-387

Date

4/06/90

M7000648

PUBLIC HEARING FEES	QTY	PRICE
060 - POSTING SIGNS / ADVERTISING	1 X	\$125.59
TOTAL:		\$125.59

LAST NAME OF OWNER: MCILVAIN

8 831*****125588 2036F

Cashier Validation: Please make checks payable to Baltimore County

90-387-A

NOTES

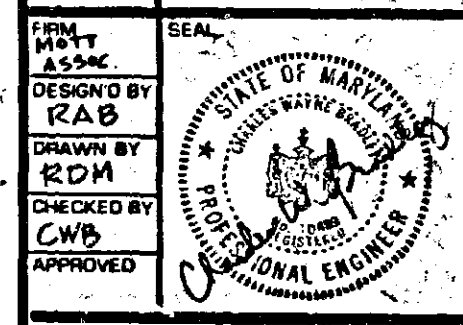
REVISIONS		
NO.	DATE	DESCRIPTION
1	10-27-89	PER PLATERS CO.
2	12-11-89	ADDED BLDG. NAME
3	12-21-89	ADDED BLDG. DISTANCE
4	1-17-90	N.W. LOT CORNER

1025 CROMWELL BRIDGE ROAD
BALTIMORE, MARYLAND 21204
PHONE 1301 321-6760

MOTT ASSOCIATES, INC.
Consulting Engineers
Towson, Maryland

BROSSO WILHELM & McWILLIAMS, INC.
ARCHITECTS • PLANNERS • MANAGERS • CONSULTANTS

OFFICE ADDITION
FOR THE
J. GIBSON MCILVAIN COMPANY
ROUTE 7
WHITE MARSH MARYLAND 21162



SITE PLAN	
JOB NO.	CO-CAS/411
DATE	1-1-90
DATE	JUNE 12, 1989
LAST REV.	JAN. 24, 1990

C-1

ZONED ML

LOCATION OF ADJACENT BUILDING

(MD. RT. 7)

ZONED MLR

ROAD

PHILADELPHIA

ZONED MLR

ZONED ML

6' 0" R.R. OF W188' WIDE

PROPERTY LINE

SITE PLAN

ZONED ML

PETITIONER'S EXHIBIT 1
142

NOTE: SITE PLAN TO ACCOMPANY
PETITION FOR ZONING VARIANCE.

NOTES

1. ALL SIGNS COMPLY WITH SECTION 413 OF B&E AND ALL ZONING POLICIES.
2. LAST CONSTRUCTION WAS IN THE LATE 1960'S.

DATA:

SITE USE: LUMBER WAREHOUSE (NO PRIOR CRG. HEADING)

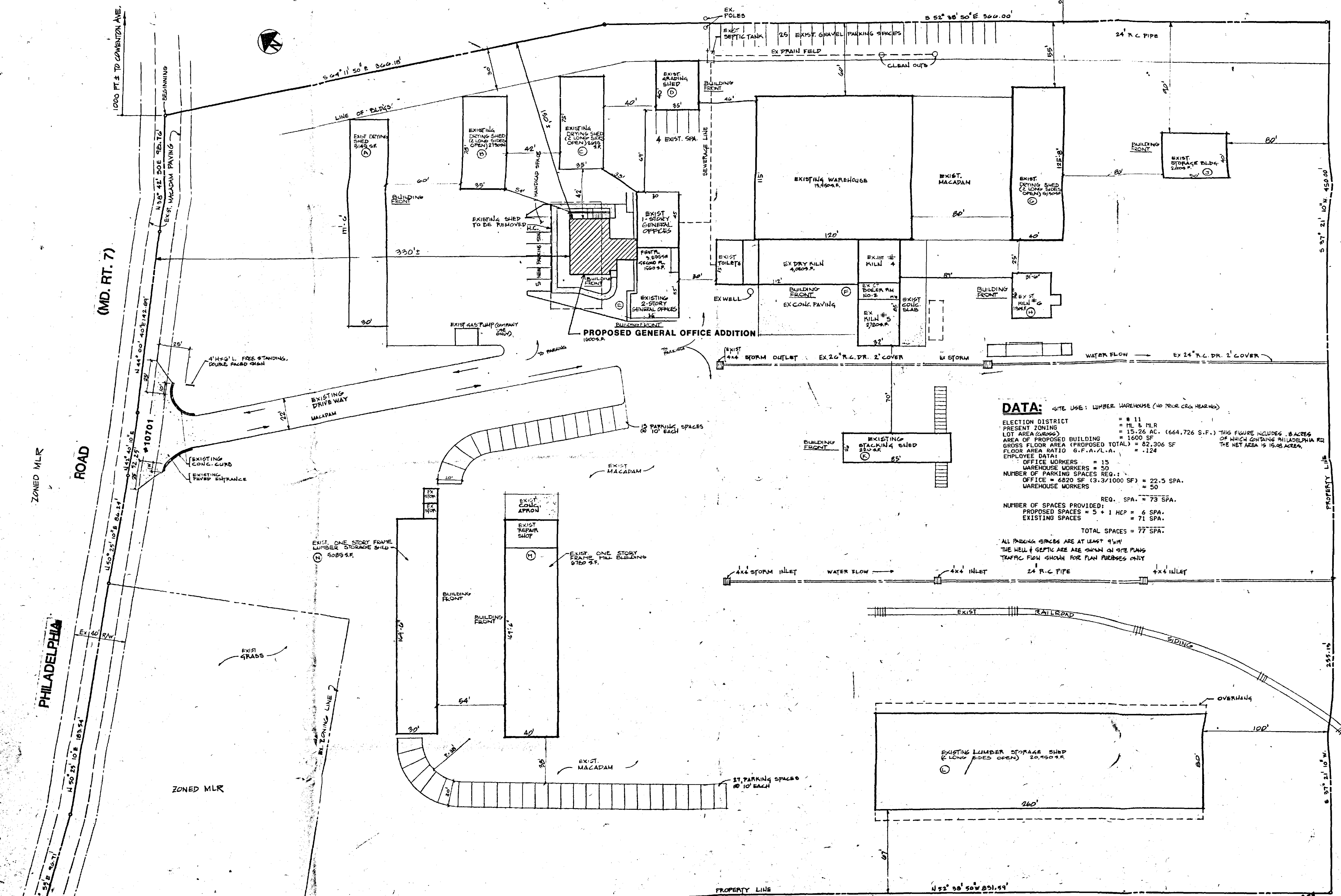
ELECTION DISTRICT = # 11
PRESENT ZONING = ML & MLR
LOT AREA (GROSS) = 15.26 AC. (664,726 S.F.) THIS FIGURE INCLUDES .8 ACRES OF WHICH CONTAINING PHILADELPHIA RD
AREA OF PROPOSED BUILDING = 1600 SF
GROSS FLOOR AREA (PROPOSED TOTAL) = 82,306 SF
FLOOR AREA RATIO (G.F.A./L.A.) = .124
NET AREA IS 15.08 ACRES.

EMPLOYEE DATA:
OFFICE WORKERS = 15
WAREHOUSE WORKERS = 50
NUMBER OF PARKING SPACES REQ.:
OFFICE = 6820 SF (3.3/1000 SF) = 22.5 SPA.
WAREHOUSE WORKERS = 50
REQ. SPA. = 73 SPA.

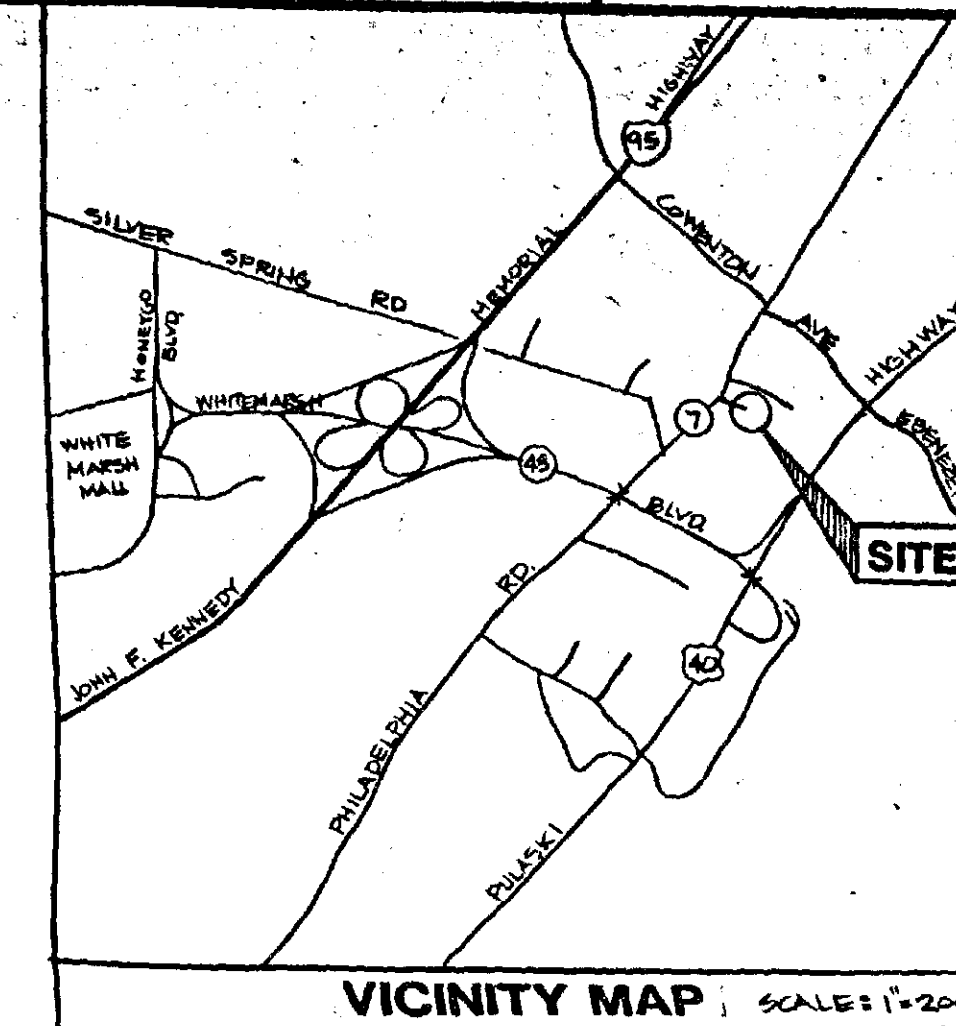
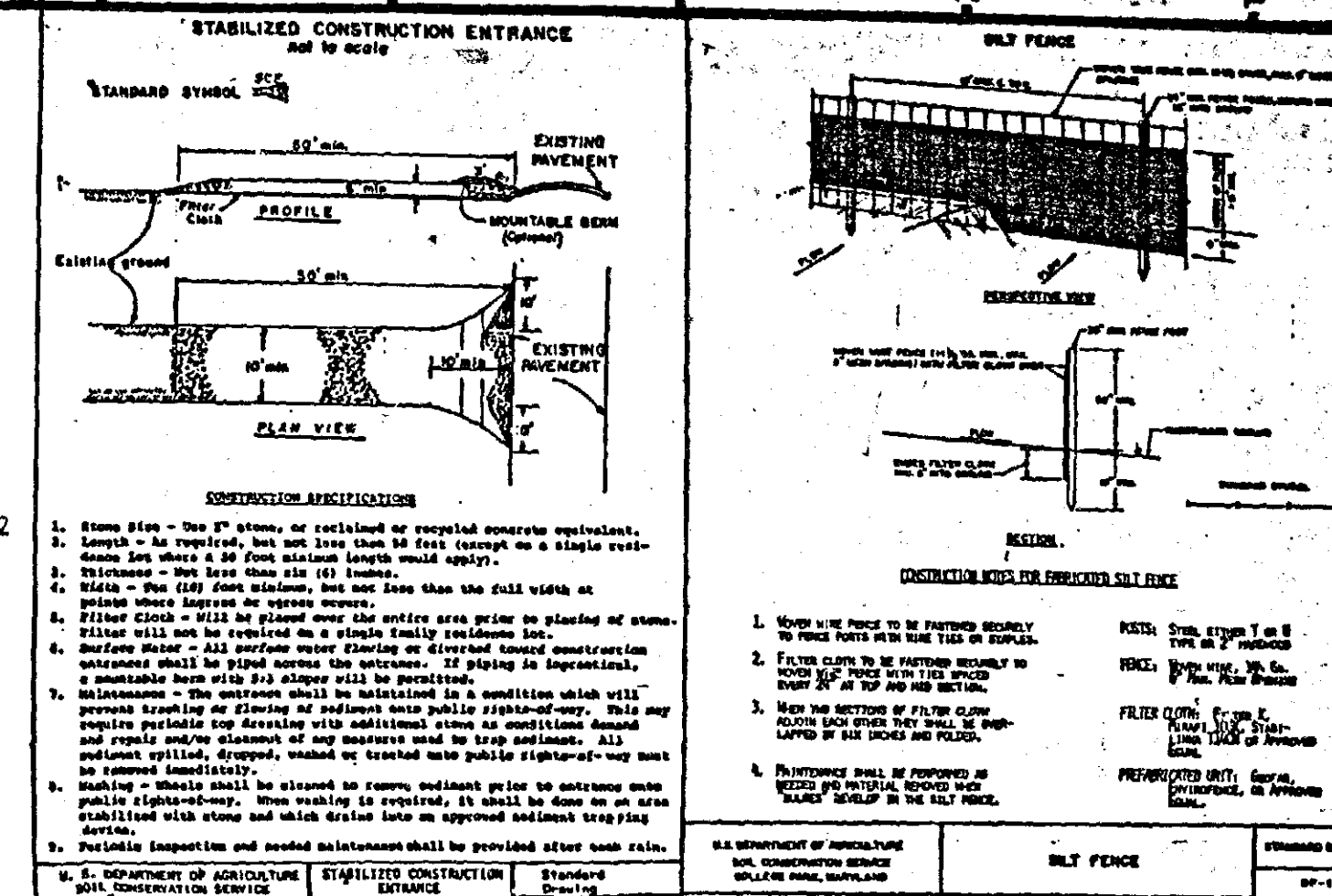
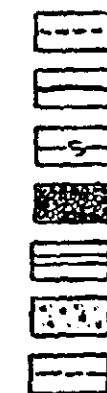
NUMBER OF SPACES PROVIDED:
PROPOSED SPACES = 5 + 1 HCP = 6 SPA.
EXISTING SPACES = 71 SPA.

TOTAL SPACES = 77 SPA.

ALL PARKING SPACES ARE AT LEAST 9'x11'
THE WELL & SEPTIC ARE SHOWN ON SITE PLANS
TRAFFIC FLOW SHOWN FOR PLAN PURPOSES ONLY



EXIST CONTOUR
NEW CONTOUR
SILT FENCE
STABILIZED CONST. ENTRANCE
NEW R/R TIE
NEW CONC.
EXIST BLDG.



NOTES

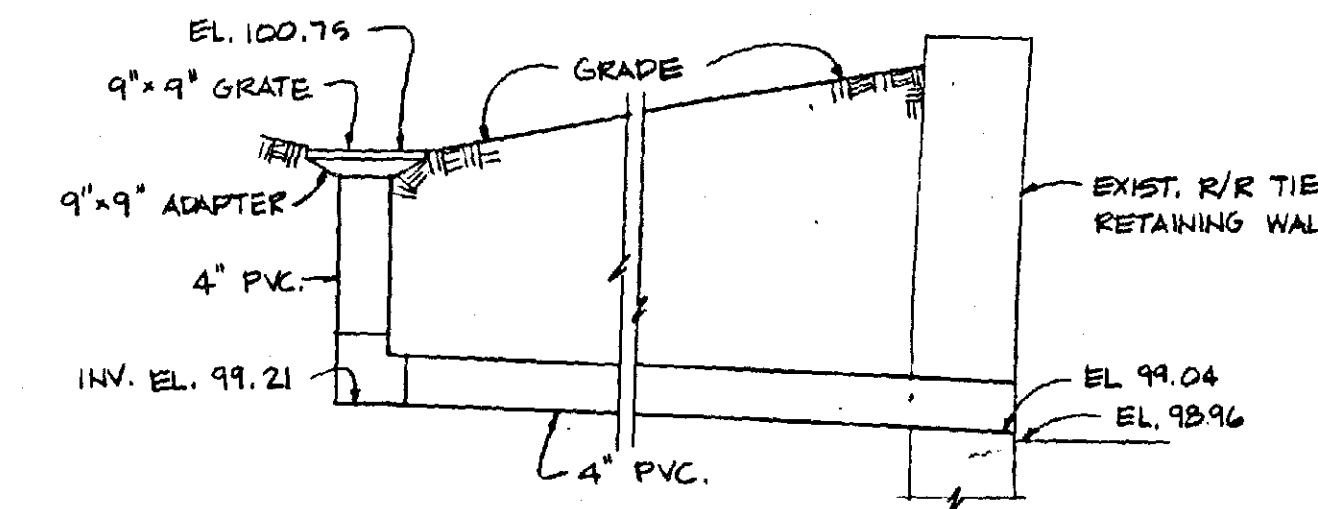
REVISIONS		
NO.	DATE	ITEM
1	8-29-89	PER BALTO. CO. REVIEW COMMENTS

1. TOPOGRAPHY SHOWN HEREON AS PER SURVEY BY:
A. J. FINLEY RANSOME & ASSOCIATES DATED NOVEMBER 10,
1988.
2. THE CONTRACTOR SHALL NOTIFY "MISS UTILITY" (559-5100) AT
LEAST THREE (3) DAYS PRIOR TO THE START OF EXCAVATION
WORK.
3. THE CONTRACTOR SHALL COMPLY WITH ALL REQUIREMENTS OF THE
SEDIMENT AND EROSION CONTROL AS SET FORTH IN THE LATEST
EDITION OF THE BALTIMORE COUNTY SEDIMENT CONTROL MANUAL.
4. ALL WORK SHALL COMPLY WITH THE LATEST STANDARDS AND
SPECIFICATIONS OF THE BALTIMORE COUNTY DEPARTMENT OF
PUBLIC WORKS.
5. CONTINUOUS INSPECTION AND MAINTENANCE OF ALL SEDIMENT
CONTROL DEVICES BY THE CONTRACTOR SHALL BE PERFORMED AS
REQUIRED. ANY VIOLATION OF SEDIMENT AND EROSION CONTROL MEASURES
WHICH ARE DISTURBED DURING CONSTRUCTION SHALL BE REPAIRED
AT THE END OF EACH DAY.
6. THE OWNER/CONTRACTOR SHALL NOT DEVIATE FROM THE APPROVED
SEDIMENT AND EROSION CONTROL PLANS WITHOUT PRIOR APPROVAL
OF THE BALTIMORE COUNTY SEDIMENT CONTROL REPRESENTATIVE.
VARIATIONS TO THE PLAN MUST BE SUBMITTED IN WRITING
ACCOMPANIED BY A COPY OF THE ORIGINAL APPROVED PLAN
MODIFIED TO SHOW THE REQUESTED CHANGES. SUBSTANTIAL
CHANGES WILL NECESSITATE REOPENING THE BUILDING AND/OR
GRADING PERMIT IF APPLICABLE.

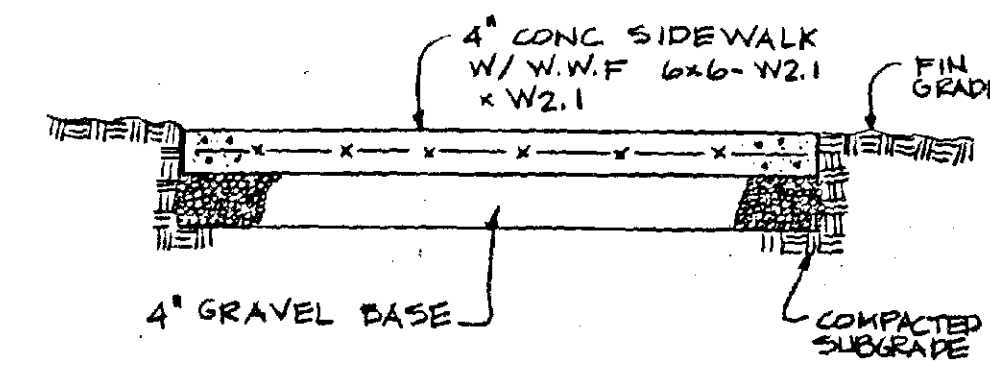
1. OBTAIN PROPER PERMITS.
2. CONSTRUCTION OF PERIMETER SEDIMENT CONTROL MEASURES.
3. CONTRACTOR'S STAGING AREA SHALL BE AS SHOWN ON DRAWINGS.
4. DEMOLISH EXISTING SHED.
5. ROUGH GRADE THE PROJECT SITE.
6. EXCAVATE FOR PROPOSED BUILDING STRUCTURE AND RELATED FOUNDATIONS.
7. ERECT BUILDING STRUCTURE.
8. COMPLETE FINE GRADING FOR RELATED PARKING AND REMAINING PERMANENT STRUCTURES.
9. FINE GRADE TOTAL PROJECT SITE AND LANDSCAPE AS PROPOSED ON SEDIMENT CONTROL PLAN.
10. REMOVE SEDIMENT CONTROLS WITH PRIOR WRITTEN APPROVAL FROM THE BALTIMORE COUNTY SEDIMENT CONTROL INSPECTOR WHEN STABILIZATION IS EVIDENT AT PROJECT SITE.

SCALE: 1"=10'

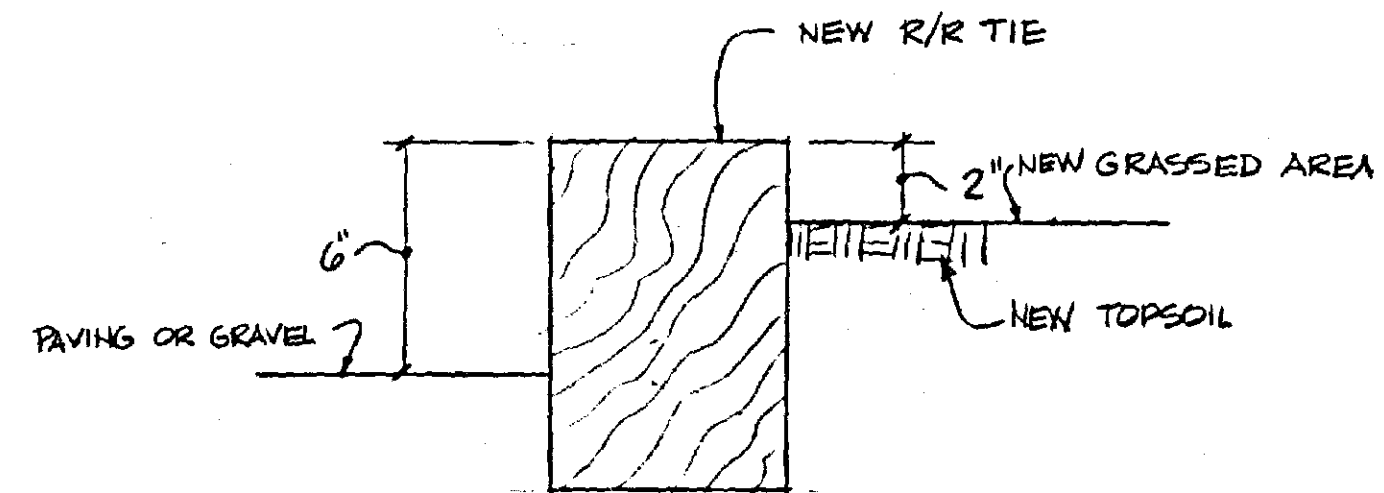
1. CUT-OFF & CAP EXIST. DRAIN BOOTS (2), 1 FT. BELOW EXIST. GRADE.



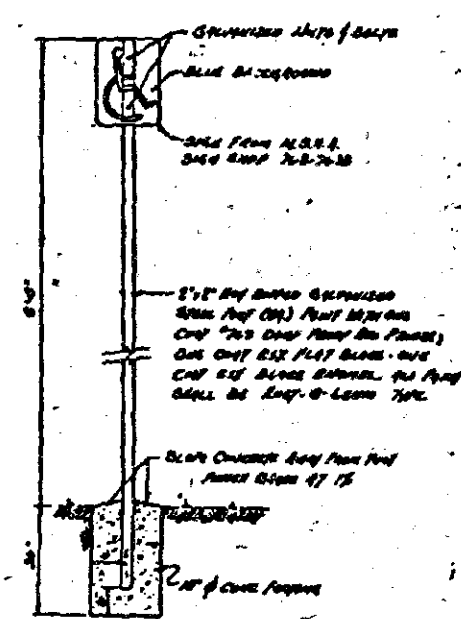
NTS



CONTROL JTS @ 4' %	NTS
--------------------	-----



NTS



(1 REQUIRED) NTS

**PETITIONER'S
EXHIBIT** 1
282

BROSSO WILHELM & McWILLIAMS, INC.

ARCHITECTS • PLANNERS • MANAGERS • CONSULTANTS

OFFICE ADDITION
FOR THE
J. GIBSON McILVAIN COMPANY

025 CROMWELL BRIDGE ROAD
BALTIMORE, MARYLAND 21204

MOTT ASSOCIATES, inc.

FIRM
MOTT
ASSOC. INC.
DESIGN'D
R.A.E.
DRAWN BY
RDM
CHECKED
CWB
APPROVED

SEAL

STATE OF MICHIGAN
JAMES W. WATKINS
PROFESSIONAL ENGINEER
No. 10000
REGISTERED

**GRADING &
SEDIMENT
CONTROL PLAN**

JOB NO.	88-048 / 4
SCALE	1" = 10'-0"
DATE	JUNE 12, 19
LAST REV.	AUGUST 29, 19

C-2

ORDER RECEIVED FOR FILING
Date 1/22/90
By J. Robert Haines

IN RE: PETITION FOR ZONING VARIANCE
F/S of Philadelphia Road,
1000' W of Cowenton Avenue
(10701 Philadelphia Road)
11th Election District
5th Councilmanic District
J. Gibson McIlvain Co., Inc.
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 90-387-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a distance of 54 feet in lieu of the required 60 feet between existing Building B and a proposed office addition to existing Building E, a distance of 42 feet in lieu of the required 60 feet between existing Building C and a proposed office addition to existing Building E, a distance of 35 feet in lieu of the required 60 feet between existing Buildings C and E, a distance of 46 feet in lieu of the required 60 feet between existing Building D and the Warehouse, a distance of 30 feet in lieu of the required 60 feet between existing Toilets and Building E, a distance of 54 feet in lieu of the required 60 feet for existing Buildings N and M, a distance of 42 feet in lieu of the required 60 feet between existing Buildings B and C, a distance of 40 feet in lieu of the required 60 feet between existing Buildings C and D, and a distance of 25 feet in lieu of the required 60 feet between existing Buildings G and H, all as more particularly described in Petitioner's Exhibit 1.

The Petitioner, by William E. Glenn, Jr., Vice President, appeared, testified and was represented by J. Carroll Holzer, Esquire. Also appearing on behalf of the Petition was Philip McWilliams, Architect with Brossa, Wilhelm and McWilliams, Inc. There were no Protestants.

ORDER RECEIVED FOR FILING
Date 1/22/90
By J. Robert Haines

Testimony indicated that the subject property, known as 10701 Philadelphia Road, consists of 15.26 acres zoned M.L. and M.L.R., and is improved with existing warehouse and office space uses. Said property is the home of the J. Gibson McIlvain Company, a manufacturer of fine wood products, which has been in business since 1798 and has been located on the subject site since 1960. Testimony indicated Petitioner is desirous of constructing an addition to its existing office space in the area shown on Petitioner's Exhibit 1. Mr. Glenn testified that upon application for a building permit, Petitioner was advised that the existing buildings as well as the proposed office addition required variances to the minimum distances required. Petitioner subsequently filed the instant Petition. Testimony indicated the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding uses as the majority of the requested variances are for buildings which have been in existence for some time.

At the hearing it was explained to Petitioner that Section 102.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) prohibits the use of one building's area requirements to support the area requirements for an adjacent building and as such, additional variances over and above those requested for the proposed office addition to existing Building E were necessary. Testimony presented indicated that many of the variances have existed for the past thirty years without creating any problems. Further, pictures introduced evidence the property and buildings are well-maintained by Petitioner.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and

- 2 -

ORDER RECEIVED FOR FILING
Date 1/22/90
By J. Robert Haines

his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances are granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare. Further, it is apparent that Section 102.2 of the B.C.Z.R. was not enforced at the time Petitioner filed for its original building permits. As such, the additional variances required to bring this development into compliance with the zoning regulations will be granted.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 16th day of April, 1990 that the Petition for Zoning Variance to permit a distance of 54 feet in lieu of the required 60 feet between existing Building B and a proposed office addition to existing Building E, a distance of 42 feet in lieu of the required 60 feet between existing Building C and a proposed office addition to existing Building E,

- 3 -

ORDER RECEIVED FOR FILING
Date 1/22/90
By J. Robert Haines

a distance of 35 feet in lieu of the required 60 feet between existing Buildings C and E, a distance between existing Building D and the Warehouse of 46 feet in lieu of the required 60 feet, a distance between the existing toilets and existing office space of 30 feet in lieu of the required 60 feet, a distance between existing Buildings N and M of 54 feet in lieu of the required 60 feet, a distance between existing Buildings B and C of 42 feet in lieu of the required 60 feet, a distance between existing Buildings C and D of 40 feet in lieu of the required 60 feet, and a distance between existing Buildings G and H of 25 feet in lieu of the required 60 feet, in accordance with Petitioner's Exhibit 1, he and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

- 4 -

ORDER RECEIVED FOR FILING
Date 2-1-90
By J. Robert Haines

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Sections 102.2, 255.1, 238.1 and 238.2 to permit proposed changes of 54' in lieu of 60' between Bldg. B and proposed Office Addition; 42' in lieu of 60' between Bldg. C and proposed Office Addition; to permit setbacks between existing Bldg. C and General Offices of 35' in lieu of 60'; Bldg. D (over) of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)
1. All requests for variance apply to buildings which have been constructed or in existence for many years. Most recent improvements occurred in the late 1960's. Due to nature of lumber business, demolition and rebuilding of structures would be impractical and costly, interrupting business routine.
2. Request for variance between "Proposed General Office Addition" and Bldg. C will actually increase the distance between Bldg. C and existing shed. Given location of office and design of addition, relocating new addition would not serve owner's purpose as shown on Site Plan.
Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State
Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State
Attorney's Telephone No.

Legal Owner(s):
(Type or Print Name)
Signature
Address
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted

ORDERED By The Zoning Commissioner of Baltimore County, this 23 day of 1990.

that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 6 day of April, 1990, at 11 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

OFFICE: 825-3508

E. F. RAPHEL & ASSOCIATES
Registered Professional Land Surveyors
205 COURTLAND AVENUE
TOWSON, MARYLAND 21204

DESCRIPTION TO ACCOMPANY VARIANCE
#10701 PHILADELPHIA ROAD
PROPERTY OF J. GIBSON MCILVAIN COMPANY

January 17, 1989

Beginning at a point in the center line of Philadelphia Road (Route #7) at the northeast corner of the property of J. Gibson McIlvain Company, et al distance southwesterly 1000' ± from the intersection of Philadelphia Road (Route #7) and Cowenton Avenue, thence leaving Philadelphia Road (Route #7), and binding on the outline of the aforesaid property the 7 following courses and distances: 1) S 64° 11' 50" E 366.18'; 2) S 52° 30' 50" E 566.00'; 3) S 37° 21' 10" W 450.00'; 4) S 37° 21' 10" W 255.13'; 5) N 52° 38' 50" W 831.59' and 6) N 56° 40' 00" W 210.81' to the center of Philadelphia Road (Route #7), thence binding on the center of said road the 6 following courses and distances: 1) N 56° 55' 00" E 96.71'; 2) N 50° 25' 10" E 183.54'; 3) N 50° 25' 10" E 86.24'; 4) N 42° 40' 10" E 52.25'; 5) N 44° 00' 40" E 142.89' and 6) N 38° 42' 30" E 98.76' to the place of beginning.

Containing 15.26 Acres more or less.

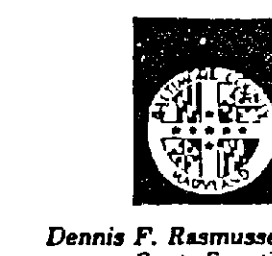
Being the property of J. Gibson McIlvain Company.



E. F. RAPHEL
Reg. Prof. Land Surveyor

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

DATE 3/20/90



Dennis F. Rasmussen
County Executive

Re: Petition for Zoning Variance
CASE NUMBER: 90-387-A
F/S of Philadelphia Road, 1000' SW of Cowenton Avenue
10701 Philadelphia Road
11th Election District - 5th Councilmanic
Petitioner(s): J. Gibson McIlvain, III
HEARING: FRIDAY, APRIL 6, 1990 at 11:00 a.m.

Gentlemen:

Please be advised that \$125.57 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRH:ga

cc: J. Carroll Holzer, Esq.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

February 22, 1990

NOTICE OF HEARING



Dennis F. Rasmussen
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 90-387-A
F/S of Philadelphia Road, 1000' SW of Cowenton Avenue
10701 Philadelphia Road
11th Election District - 5th Councilmanic
Petitioner(s): J. Gibson McIlvain, III
HEARING: FRIDAY, APRIL 6, 1990 at 11:00 a.m.

Variance to permit proposed changes of 54 ft. in lieu of 60 ft. between Bldg. B and proposed Office Addition; 42 ft. in lieu of 60 ft. between Bldg. C and proposed Office Addition. To permit setbacks between existing Bldg. C and General Offices of 35 ft. in lieu of 60 ft.; Bldg. D and Warehouse of 46 ft. in lieu of 60 ft.; Toilets and General Office of 30 ft. in lieu of 60 ft.; Bldg. N and M of 54 ft. in lieu of 60 ft.; Bldg. S and C of 42 ft. in lieu of 60 ft.; Bldg. C and D of 40 ft. in lieu of the required 60 ft.; and Bldg. G and H of 25 ft. in lieu of 60 ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: J. Carroll Holzer, Esq.
J. Gibson McIlvain, III

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

March 23, 1990



J. Carroll Holzer, Esquire
305 W. Chesapeake Avenue, Suite 105
Towson, MD 21204

RE: Item No. 250, Case No. 90-387-A
Petitioner: J. Gibson McIlvain
Petition for Zoning Variance

Dear Mr. Holzer:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

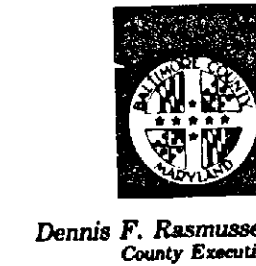
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. J. Gibson McIlvain, III
10701 Philadelphia Road
White Marsh, MD 21162

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner



Your petition has been received and accepted for filing this
23rd day of February, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman
Zoning Plans Advisory Committee

Petitioner: J. Gibson McIlvain

Petitioner's Attorney: J. Carroll Holzer

April 6th 90-387

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: April 4, 1990

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: J. Gibson McIlvain, III, Item 250

INFORMATION:

Application/Item Number 250

Petitioner: J. Gibson McIlvain, III

Property Location: E/S of Philadelphia Road, 1000' SW of
Coventon Avenue

Property Size: 15.26 acres

Zoning: ML and MLR

Request: The Petitioner requests Variances to permit changes of 54' in lieu of 60' between Building B and the proposed office addition; 42' in lieu of 60' between Building C and proposed office addition. To permit setbacks between existing Building C and general offices of 35' in lieu of 60'; Building D and warehouse of 46' in lieu of 60'; Buildings N and M of 54' in lieu of 60'; Buildings B and C of 42' in lieu of 60'; Buildings C and D of 40' in lieu of the required 60'; and Building G and H of 25' in lieu of 60'.

Hearing Date: April 6, 1990

Attachments:

SUMMARY AND RECOMMENDATIONS:

The site is currently improved with an existing lumber warehouse. The Petitioner's plat indicates thirteen buildings are presently

Cancel Attached Plt copy 4/5/90

J. Gibson McIlvain, III, Item 250
Page 2
April 4, 1990

utilized on site for the warehouse/manufacturing operation. A 1,600 sq. ft. general office addition is proposed at the subject location. The Petitioner's property is bound by M.L. zoning to the north, south and west, and M.L.R. zoning to the east.

Since the majority of the variances apply to existing buildings constructed in the late 1960's, staff recommends the Petitioner's request be granted.

Report prepared by:

Jeffrey W. Long
Jeffrey W. Long, Planner I
FK/JL/cmm

April 4, 1990

ITEM250/ZAC1

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 406
Towson, Maryland 21204
(301) 887-3354

March 9, 1990



J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 237, 246, 247, 248, 249, and 250.

Very truly yours,

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineer Assoc. II

MSF/lab

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500
Paul H. Reincke
Chief

FEBRUARY 14, 1990



J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: J. GIBSON MCILVAIN, III
Location: 410701 PHILADELPHIA ROAD
Item No.: 250 Zoning Agenda: FEBRUARY 22, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation. Water for fire protection shall be provided in accordance with the urban guide for fire prevention and control master planning

REVIEWER: *Paul H. Reincke*
Noted and Approved
Fire Prevention Bureau
Special Inspection Division

JK/KEK

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee

DATE: March 5, 1990

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for February 22, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 246, 247, 248, 249, 250 and 251.

Item 237 is subject to the previous County Review Group comments for this site.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s



Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

File

April 9, 1990

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204
Att: James Dyer

Re: Baltimore County
J. Gibson McIlvain, III
Property
Zoning meeting 3/22/90
S/S Philadelphia Road
US 7
1000' west of Coventon
Avenue
Item # 250 90-387-A

Dear Mr. Haines:

After reviewing the submittal to permit variances to building setbacks, we find the plan acceptable.

If you have any questions, contact Larry Brocato (333-1350).

Very truly yours,

Charles Rose
Charles Rose, Acting Chief
Engineering Access Permits
Division

LB/es

cc: Mr. J. Ogle

APR 11 1990

PLANNING OFFICE

My telephone number is (301) 333-1350

383-7555 Baltimore Metro - 583-0411 D.C. Metro - 1-800-492-5022 Nationwide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333
J. Robert Haines
Zoning Commissioner

April 12, 1990



J. Carroll Holzer, Esquire
305 West Chesapeake Avenue, Suite 105
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE
E/S of Philadelphia Road, 1000' SW of Cowenton Avenue
(10701 Philadelphia Road)
11th Election District - 5th Councilmanic District
J. Gibson McIlvain Co., Inc. - Petitioner
Case No. 90-387-A

Dear Mr. Holzer:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,
A. M. Natarowicz

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: People's Counsel

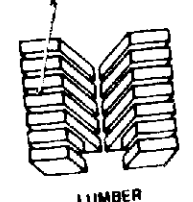
File

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME
Wm. E. GLENN JR.
Philp McWilliams *initialed*

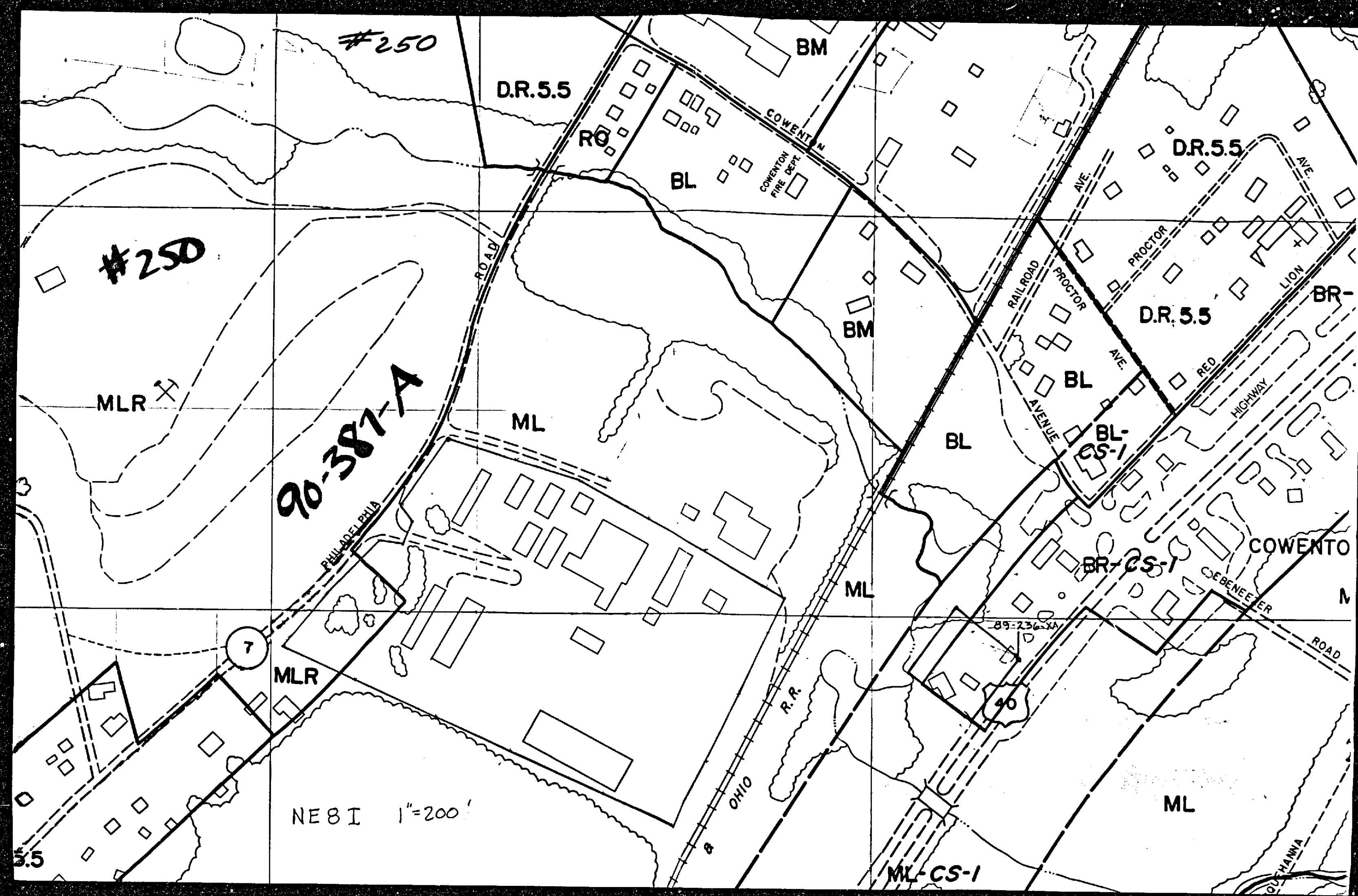
ADDRESS
J. Gibson McILVAIN CO.
WHITE PAPER, MD.
Business and MacWilliams Inc.
2000 York Building
600 N. Galt Rd. Baltimore 21204



J. Gibson McIlvain Company

Wm. E. Glenn, Jr.
Vice President

Route 7 • White Marsh, Maryland 21166 • Telephone (410) 335-9000
RFD 1 Box 400 • P.O. Box 400 • Queenstown, CT 06424 • Tel. (203) 774-4940



CERTIFICATE OF PUBLICATION

March 8, 1990
THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on March 8, 1990.

NORTHEAST TIMES BOOSTER and the
NORTHEAST TIMES REPORTER

S. Zebe Orlov
Publisher

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NORTHEAST TIMES BOOSTER and the
NORTHEAST TIMES REPORTER

Publisher

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the proposed zoning change for the property identified herein in Room 104 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 at 11:00 a.m.

Petition for Zoning Variance Case No. 90-387-A
E/S of Philadelphia Road, 1000' SW of Cowenton Ave. 10701 Philadelphia Road 11th Election District 5th Councilmanic District

Variance to permit proposed changes of 54 ft. in lot of 60 ft. between Bldg. B and proposed Office Addition; 42 ft. in lot of 60 ft. between Bldg. C and proposed Office Addition. To permit parking spaces between Bldg. B and C and between Office of J. Gibson McIlvain Co. and Bldg. D and Warehouse of J. Gibson McIlvain Co. and Bldg. E.

Apr. 8, 1990 at 11:00 a.m. Hearing Date: Friday.

Variance to permit proposed changes of 54 ft. in lot of 60 ft. between Bldg. B and proposed Office Addition; 42 ft. in lot of 60 ft. between Bldg. C and proposed Office Addition. To permit parking spaces between Bldg. B and C and between Office of J. Gibson McIlvain Co. and Bldg. D and Warehouse of J. Gibson McIlvain Co. and Bldg. E.

In the event that the Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, consider any request for a stay of the issuance of said permit during a period for good cause shown. Such request must be in writing and received in the office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of Baltimore County
JN 5121 March 8

CERTIFICATE OF PUBLICATION

TOWSON, MD., March 8, 1990
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on March 8, 1990.

THE JEFFERSONIAN.

S. Zebe Orlov
Publisher

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 11th
Posted for: Variance
Petitioner: J. Gibson McIlvain, Inc.
Location of property: E/S of Philadelphia Road, 1000' SW of Cowenton Ave.
10701 Phila. Rd.
Location of Sign: Along Phil. Rd. between P.O. Box 400 and York Rd.
Remarks: Property of J. Gibson McIlvain, Inc.
Posted by: M. Haines
Number of Signs: 1
Date of return: 3/29/90



Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

receipt

No 2036

90-387

4/06/90 M7000648

PUBLIC HEARING FEES QTY PRICE

060 - POSTING SIGNS / ADVERTISING 1 X \$125.59

LAST NAME OF OWNER: MCILVAIN TOTAL: \$125.59

8 831*****125588 2036F

Cashier Validation: Please make checks payable to Baltimore County

90-387-A

NOTES

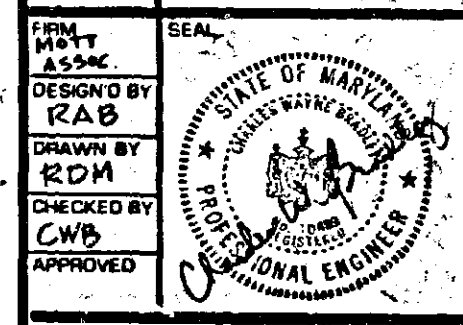
REVISIONS		
NO.	DATE	DESCRIPTION
1	10-27-89	PER PLATERS CO.
2	12-11-89	ADDED BLDG. NAME
3	12-21-89	ADDED BLDG. DISTANCE
4	1-17-90	N.W. LOT CORNER

1025 CROMWELL BRIDGE ROAD
BALTIMORE, MARYLAND 21204
PHONE 1301 321-6760

MOTT ASSOCIATES, INC.
Consulting Engineers
Towson, Maryland

BROSSO WILHELM & McWILLIAMS, INC.
ARCHITECTS • PLANNERS • MANAGERS • CONSULTANTS

OFFICE ADDITION
FOR THE
J. GIBSON MCILVAIN COMPANY
ROUTE 7
WHITE MARSH MARYLAND 21162



SITE PLAN

JOB NO.	CO-CAS/411
DATE	1-1-90
DATE	JUNE 12, 1989
LAST REV.	JAN. 24, 1990

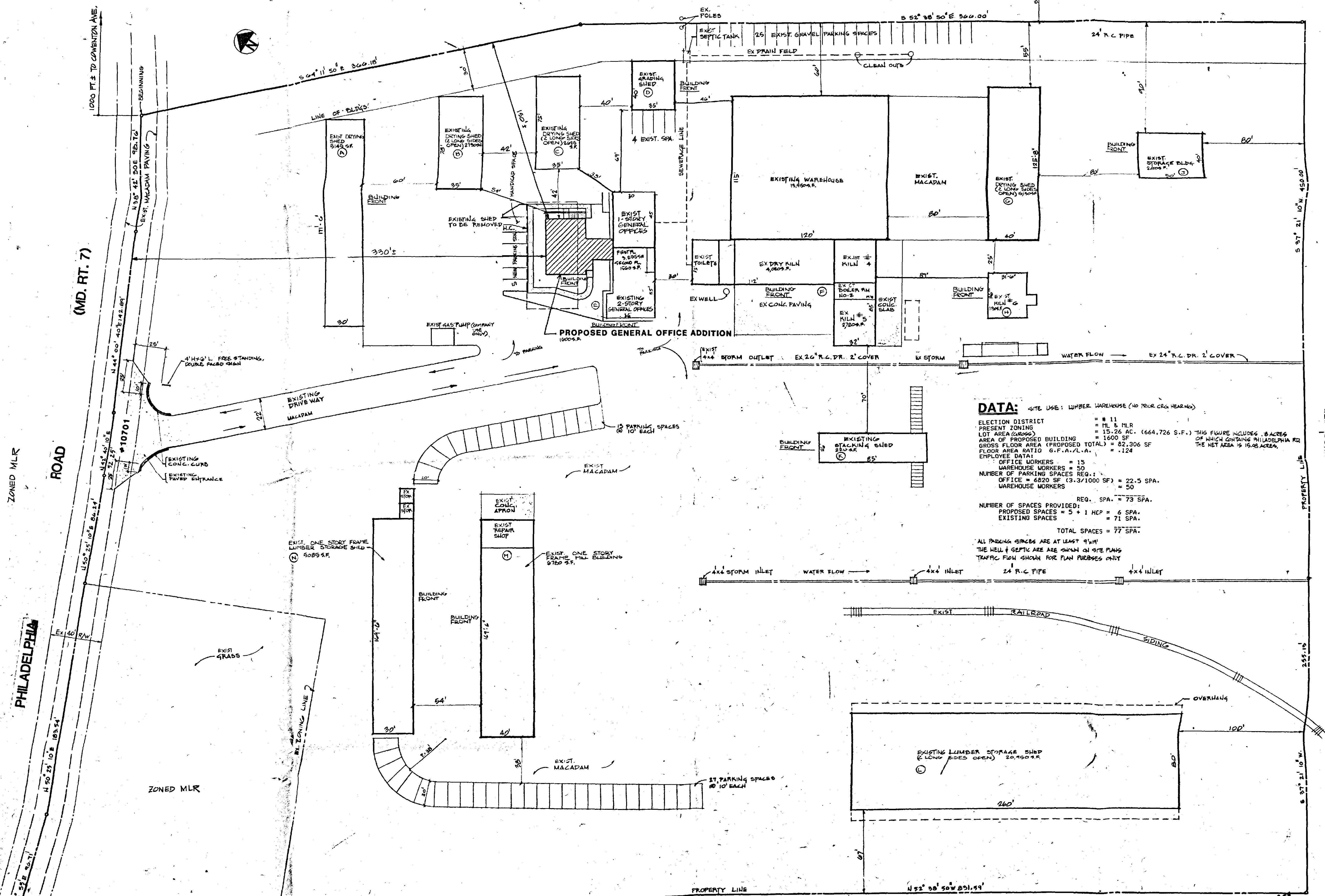
C-1

PETITIONER'S EXHIBIT 1
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NOTE: SITE PLAN TO ACCOMPANY
PETITION FOR ZONING VARIANCE.

SITE PLAN

- NOTES:
1. ALL SIGNS COMPLY WITH SECTION 413 OF B&Z AND ALL ZONING POLICIES.
 2. LAST CONSTRUCTION WAS IN THE LATE 1960'S.



DATA: SITE USE: LUMBER WAREHOUSE (NO PRIOR CRG. HEADING)

ELECTION DISTRICT = # 11
PRESENT ZONING = ML & MLR
LOT AREA (GROSS) = 15.26 AC. (664,726 S.F.) THIS FIGURE INCLUDES .8 ACRES OF WHICH CONTAINING PHILADELPHIA RD. THE NET AREA IS 15.08 ACRES.
AREA OF PROPOSED BUILDING = 1600 SF
GROSS FLOOR AREA (PROPOSED TOTAL) = 82,306 SF
FLOOR AREA RATIO (G.F.A./L.A.) = .124

EMPLOYEE DATA:
OFFICE WORKERS = 15
WAREHOUSE WORKERS = 50
NUMBER OF PARKING SPACES REQ.:
OFFICE = 6820 SF (3.3/1000 SF) = 22.5 SPA.
WAREHOUSE WORKERS = 50
REQ. SPA. = 73 SPA.

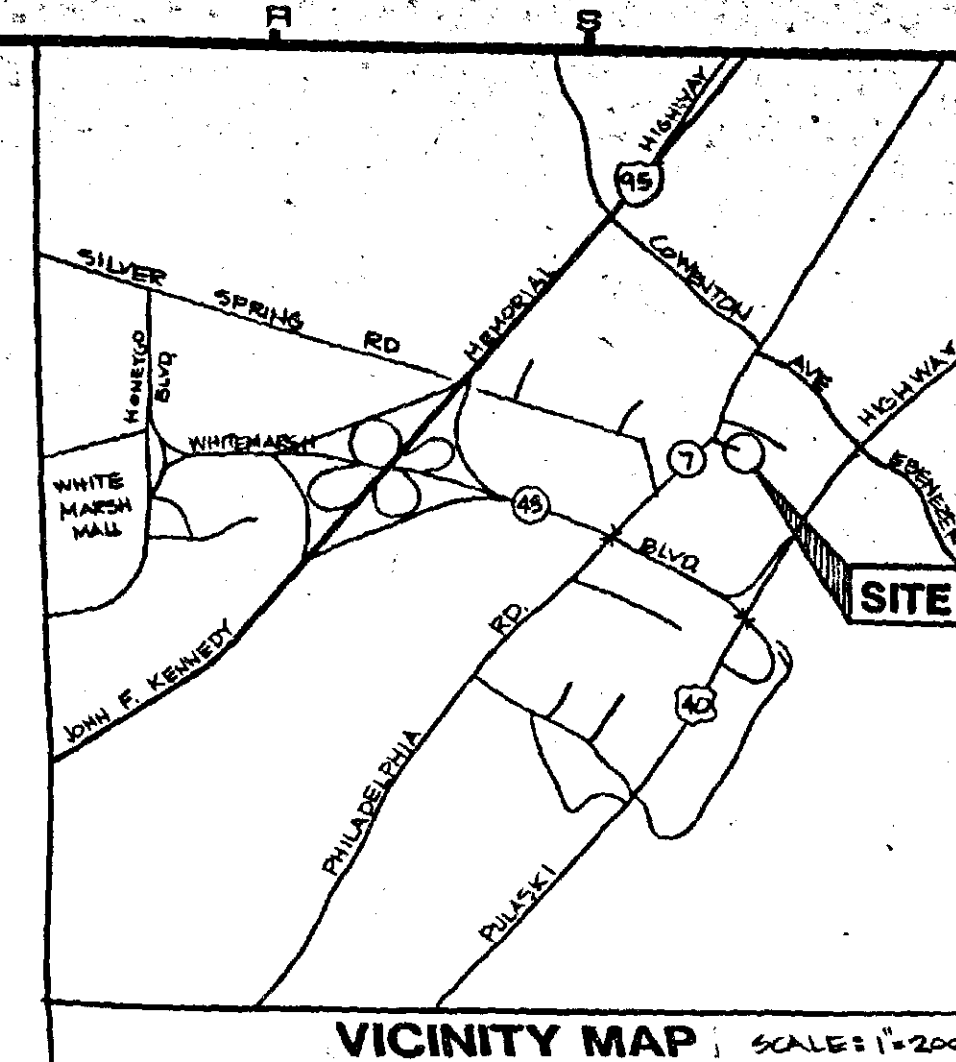
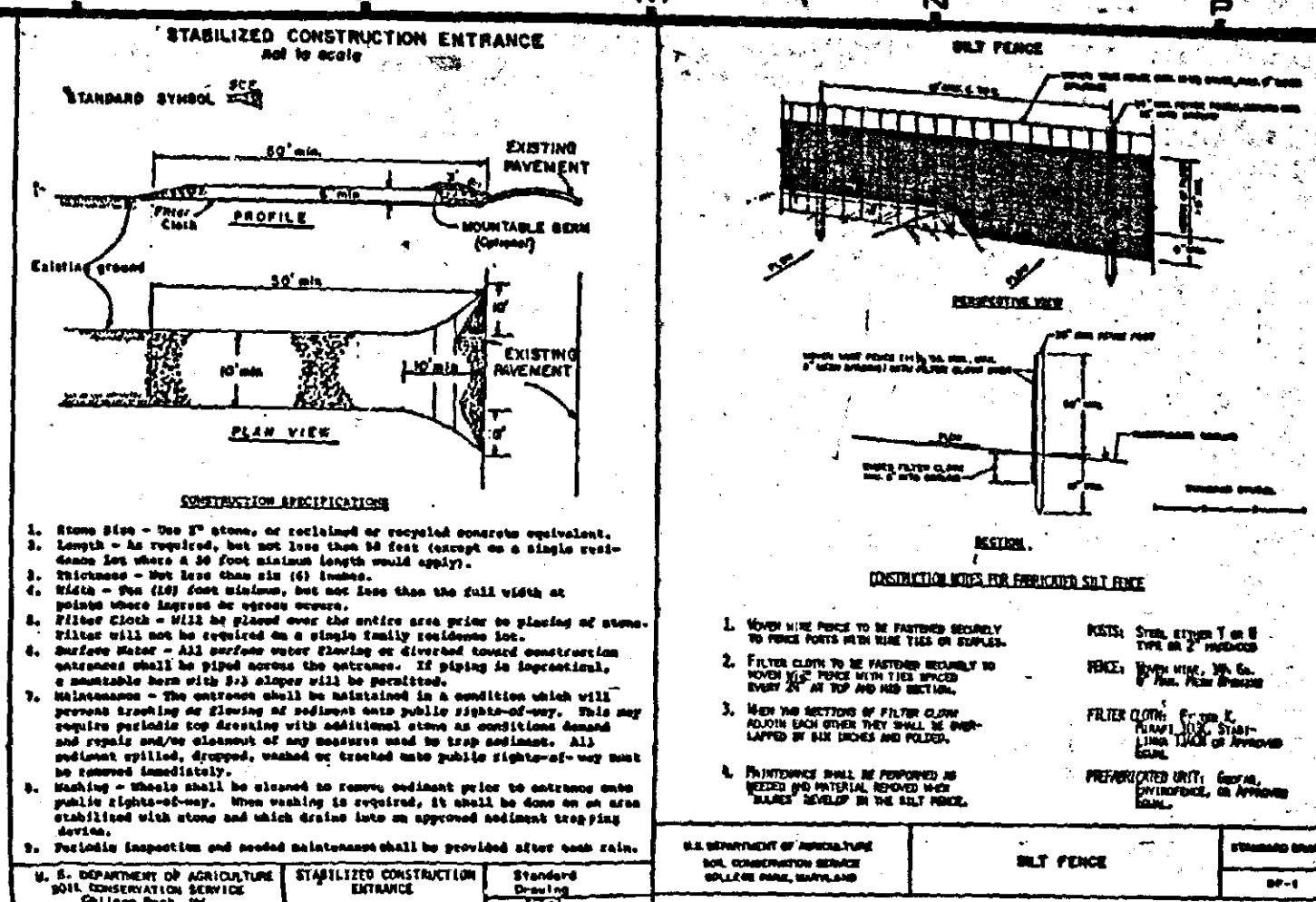
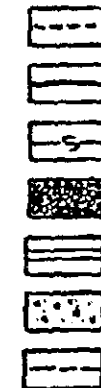
NUMBER OF SPACES PROVIDED:
PROPOSED SPACES = 5 + 1 HCP = 6 SPA.
EXISTING SPACES = 71 SPA.

TOTAL SPACES = 77 SPA.

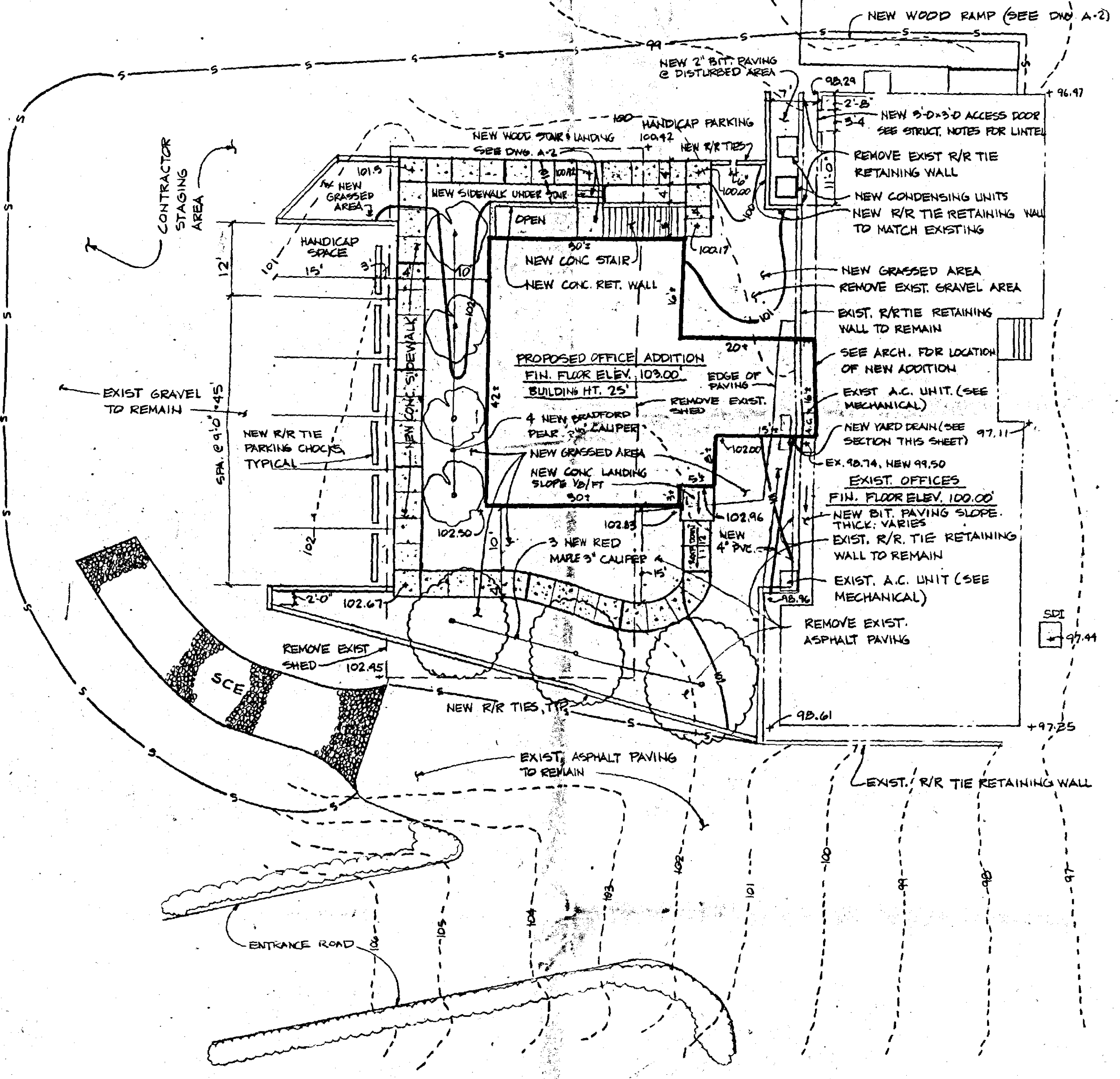
ALL PARKING SPACES ARE AT LEAST 9'x11'
THE WELL & SEPTIC ARE SHOWN ON SITE PLANS
TRAFFIC FLOW SHOWN FOR PLAN PURPOSES ONLY

LEGEND

EXIST. CONTOUR
NEW CONTOUR
SILT FENCE
STABILIZED CONST. ENTRANCE
NEW R/R TIE
NEW CONC.
EXIST. BLDG.

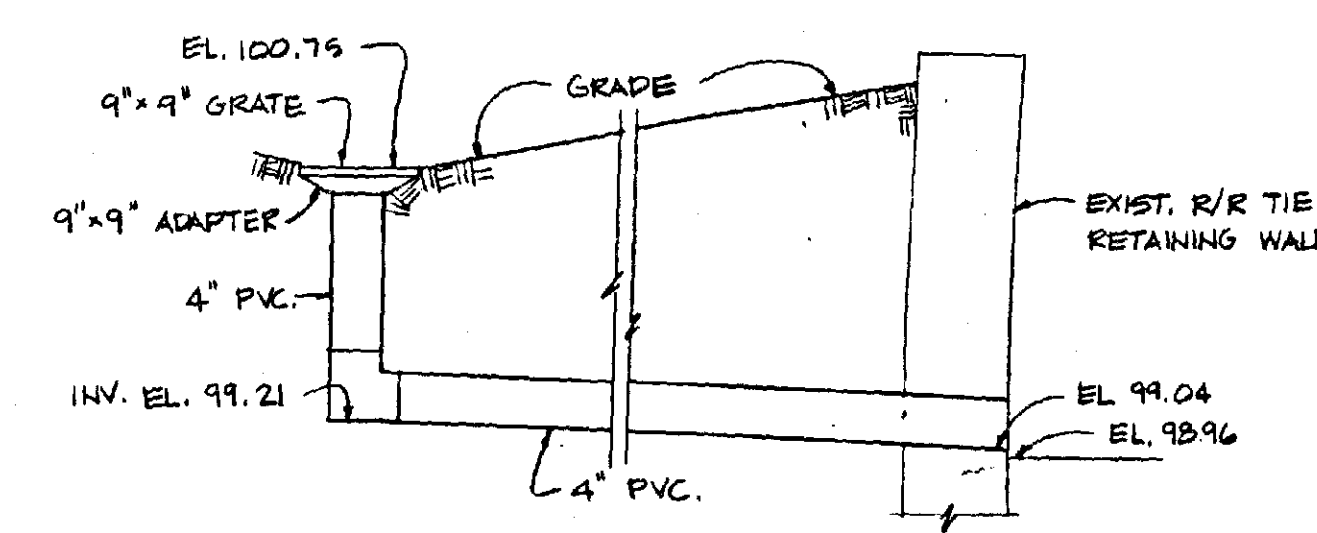


NOTES	
NO. DATE	REVISED
1 10/24/87	PER BALTO. CO. REVIEW COMMENTS



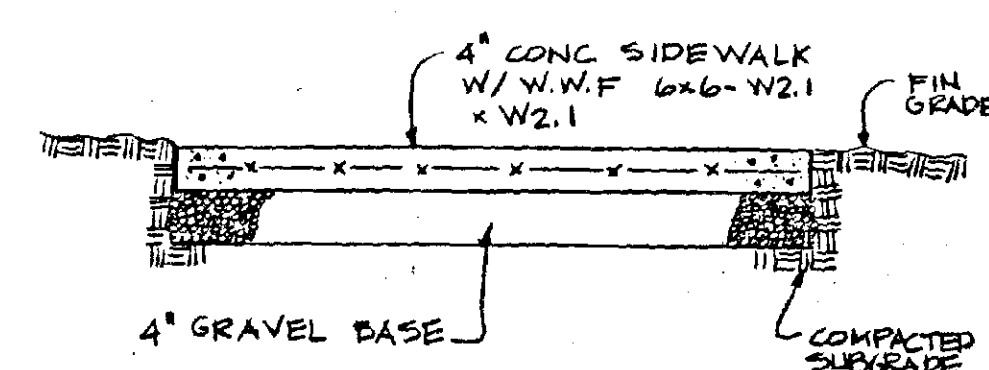
GRADING & SEDIMENT CONTROL PLAN

SCALE: 1"=10'
1. CUT-OFF & CAP EXIST. DRAIN BOOTS (2), 1 FT. BELOW EXIST. GRADE.



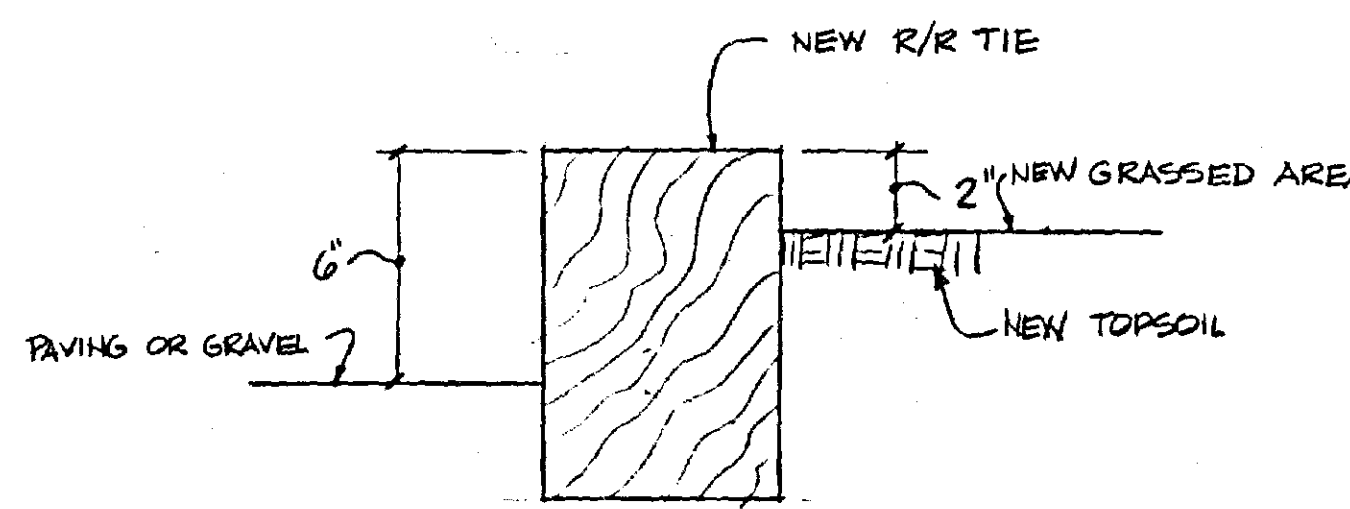
NEW YARD DRAIN SECTION

NTS



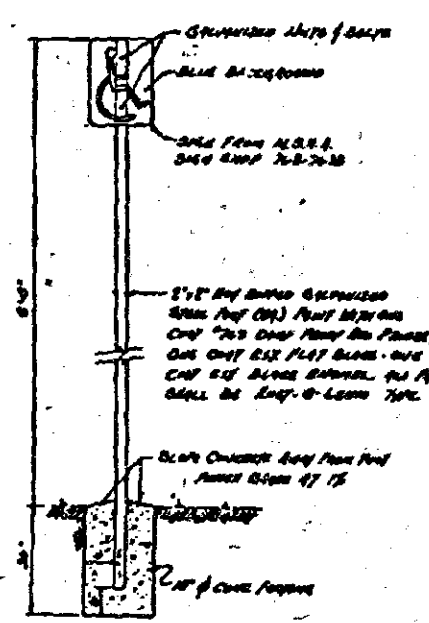
NEW CONC. SIDEWALK SECTION

NTS



NEW R/R TIE SECTION

NTS



HANDICAP SIGN DETAIL

(1 REQUIRED) NTS

SEDIMENT CONTROL NOTES

- TOPOGRAPHY SHOWN HEREON AS PER SURVEY BY: A. J. FINLEY RANSOME & ASSOCIATES DATED NOVEMBER 10, 1986.
- THE CONTRACTOR SHALL NOTIFY "MISS UTILITY" (559-5100) AT LEAST THREE (3) DAYS PRIOR TO THE START OF EXCAVATION WORK.
- THE CONTRACTOR SHALL COMPLY WITH ALL REQUIREMENTS OF THE SEDIMENT AND EROSION CONTROL AS SET FORTH IN THE LATEST EDITION OF THE BALTIMORE COUNTY SEDIMENT CONTROL MANUAL.
- ALL WORK SHALL COMPLY WITH THE LATEST STANDARDS AND SPECIFICATIONS OF THE BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS.
- CONTINUOUS INSPECTION AND MAINTENANCE OF ALL SEDIMENT CONTROL DEVICES BY THE CONTRACTOR SHALL BE PERFORMED AS REQUIRED. ANY SEDIMENT AND EROSION CONTROL MEASURES WHICH ARE DISTURBED DURING CONSTRUCTION SHALL BE REPAIRED AT THE END OF EACH DAY.
- THE OWNER/CONTRACTOR SHALL NOT DEVIATE FROM THE APPROVED SEDIMENT AND EROSION CONTROL PLANS WITHOUT PRIOR APPROVAL OF THE BALTIMORE COUNTY SEDIMENT CONTROL REPRESENTATIVE. VARIATIONS TO THE PLAN MUST BE SUBMITTED IN WRITING ACCOMPANIED BY A COPY OF THE ORIGINALLY APPROVED PLAN MODIFIED TO SHOW THE REQUESTED CHANGES. SUBSTANTIAL CHANGES WILL NECESSITATE AMENDING THE BUILDING AND/OR GRADING PERMIT IF APPLICABLE.

SEQUENCE OF OPERATIONS

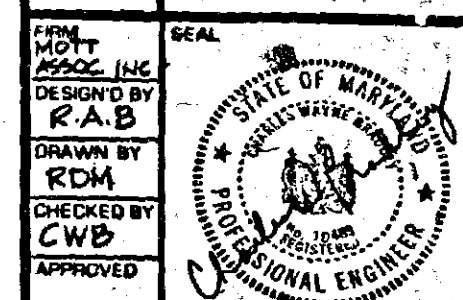
- OBTAIN PROPER PERMITS.
- CONSTRUCTION OF PERIMETER SEDIMENT CONTROL MEASURES.
- CONTRACTOR'S STAGING AREA SHALL BE AS SHOWN ON DRAWINGS.
- DEMOLISH EXISTING SHED.
- ROUGH GRADE THE PROJECT SITE.
- EXCAVATE FOR PROPOSED BUILDING STRUCTURE AND RELATED FOUNDATIONS.
- ERECT BUILDING STRUCTURE.
- COMPLETE FINE GRADING FOR RELATED PARKING AND REMAINING PERMANENT STRUCTURES.
- FINE GRADE TOTAL PROJECT SITE AND LANDSCAPE AS PROPOSED ON SEDIMENT CONTROL PLAN.
- REMOVE SEDIMENT CONTROLS WITH PRIOR WRITTEN APPROVAL FROM THE BALTIMORE COUNTY SEDIMENT CONTROL INSPECTOR WHEN STABILIZATION IS EVIDENT AT PROJECT SITE.

1025 CROWNELL BRIDGE ROAD
BALTIMORE, MARYLAND 21204
PHONE (301) 321-0780

MOTT ASSOCIATES, Inc.
Consulting Engineers
Towson, Maryland

BROSSO WILHELM & McWILLIAMS, INC.
ARCHITECTS - PLANNERS - MANAGERS - CONSULTANTS

FOR THE
OFFICE ADDITION
J. GIBSON McILVAIN COMPANY
ROUTE 7
WHITE MARSH MARYLAND 21162



GRADING & SEDIMENT CONTROL PLAN

JOB NO.: 88-C48 / 4119
SCALE: 1"=10'-0"
DATE: JULY 12, 1989
LAST REV: August 28, 1989

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PETITIONER'S
EXHIBIT 4
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